

Application No. 10/561,120
Amdt. dated 3 August 2009
Reply to Office Action of 2 April 2009

REMARKS / ARGUMENTS

In the above-identified Office Action the Examiner has rejected claims 5-6 and 11-14 as indefinite for certain identified language indefiniteness. Applicant has amended each of the referred to claims and, as such, believes the claims now to be acceptable under 35 U.S.C. section 112.

Claims 7, 9, 15, 18 and 19 have been rejected as anticipated by the patent to Serrault. Applicant has amended Claim 7 so that it is no longer anticipated by Serrault. Applicant now claims a transponder enclosed within a chamber within a thin capsule with the chamber being of such a size that it causes the transponder to form an arc within the chamber. This feature is disclosed and explained on page 7 of the application which states that the chamber has dimensions to fit the transponder which places it under adequate pressure to create a spring effect, as seen in Figure 3. Thus the transponder is securely held within the chamber and there is no vibration as a result.

This is not shown in Serrault and is patentable thereover. In regard to the claims dependent upon Claim 7, i.e, 9, 15, 18 and 19, Claim 9 has been canceled and the remaining claims incorporate the amendments set forth above and thus are allowable as well.

Claims 8 and 10 have been rejected as unpatentable over Serrault in view of Applicant's background. Claim 8 has been canceled and Claim 10 now depends from Claim 7 which thereby incorporates the amendments made to Claim 7 and, as such, is considered patentable as well.

Claims 11-14 have been rejected as unpatentable over Serrault in view of Hardman. Applicant has amended claims 11-14 so that they now conform to the new

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limitations in Claim 7 and, insofar as they incorporate the limitations of Claim 7, are patentable over the art of record.

Claim 16 has been rejected as unpatentable over Serrault in view of Nishimura. Applicant does not understand the Examiner's reliance on Nishimura. Nishimura teaches a resin composition which is a resist for forming a mask for the production of a circuit, such as a semiconductor integrated circuit. The resist is hardened through exposure to UV radiation and thus is not taught as being transparent to radiation, which is essential to a device of the subject invention, which must transmit and receive electrical signals. As a result, Applicant does believe that Claim 16, as it stands, to be patentable.

Claim 17 has been rejected as unpatentable over Serrault in view of Koduri. As stated in the preamble of Claim 7 on which Claim 17 depends, the device must transmit or receive electrical signals. There is no suggestion in Koduri that the films taught therein transmit or receive electrical signals other than to state that they absorb light of visible and ultra-violet wavelength. As a result, it would not be obvious for one to assume that Koduri's films would accomplish the purposes of the subject invention. As a result, Applicant believes Claim 17 to be allowable.

Applicant hereby requests reconsideration and reexamination thereof.

No further fee or petition is believed to be necessary. However, should any further fee be needed, please charge our Deposit Account No. 23-0920, and deem this paper to be the required petition.

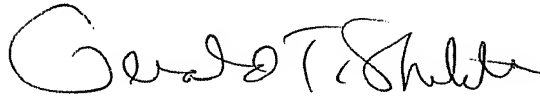
With the above amendments and remarks, this application is considered ready for allowance and applicant earnestly solicits an early notice of same. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of

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the subject application, he/she is respectfully requested to call the undersigned at the below listed number.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gerald T. Shekleton". The signature is fluid and cursive, with the first name "Gerald" being more prominent.

Dated: 31 July 2009

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